

Notice of Allowability

Application No.

10/725,689

Examiner

Phuong Phu

Applicant(s)

MORTON ET AL.

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 9/21/07.
2. ☒ The allowed claim(s) is/are 1,2,4-9 and 11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 9/21/07. Accordingly, claims 1, 2, 4-9 and 11 are currently pending; and claims 3 and 10 are canceled.

REASONS FOR ALLOWANCE

2. Claims 1, 2, 4-9 and 11 are allowed.

3. References 5081713, 3818364, 5982824, 5687195, 6956432, 6169455, 6480061 and 6552608 are additionally cited because they are pertinent to the claimed invention.

4. The following is an examiner's statement of reasons for allowance:

-Regarding independent claim 1, none of prior art of record teaches or suggests a gain control system, as claimed. Miyazaki (5081713) teaches the claimed gain control system except he fails to teach that the system comprises a summation module that combines a gain reference signal and a gain variation signal to generate the control signal to control a variable amplifier wherein the gain reference signal is calibrated at a reference temperature and a reference frequency. In Miyazaki, the gain reference signal is a detected signal indicating the current output of the variable amplifier, not a signal calibrated at a reference temperature and a reference frequency. It would not have been obvious for one skilled in the art to implement Miyazaki in view of other prior art for leading the implementation to the claimed invention.

-Regarding independent claim 8, none of prior art of record teaches or suggests a method for controlling a gain, as claimed. Miyazaki teaches the claimed method except he fails to teach that the method comprises procedure of combining a gain reference and a gain variation signal to generate the control signal to control the gain wherein the gain reference signal is calibrated at a reference temperature and a reference frequency. In Miyazaki, the gain is a gain of a variable

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amplifier, and the gain reference signal is a detected signal indicating the current output of the variable amplifier, not a signal calibrated at a reference temperature and a reference frequency. It would not have been obvious for one skilled in the art to implement Miyazaki in view of other prior art for leading the implementation to the claimed invention.

-Regarding independent claim 11, none of prior art of record teaches or suggests a device, as claimed. Miyazaki teaches the claimed device except he fails to teach that the device comprises means of combining a gain reference and a gain variation signal to generate the control signal to control the gain of a variable amplifier wherein the gain reference signal is calibrated at a reference temperature and a reference frequency. In Miyazaki, the gain reference signal is a detected signal indicating the current output of the variable amplifier, not a signal calibrated at a reference temperature and a reference frequency. It would not have been obvious for one skilled in the art to implement Miyazaki in view of other prior art for leading the implementation to the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Phu whose telephone number is 571-272-3009. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phuong Phu

Phuong Phu
10/17/07

**PHUONG PHU
PRIMARY EXAMINER**

Phuong Phu
Primary Examiner
Art Unit 2611